

Attorney Docket No. 9852-16

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Karakasoglu et al.  
 Serial No.: 09/169,776  
 Filed: October 8, 1998  
 For: *Apparatus and method for breath monitoring*

Patent No. 6,213,955  
 Issued: April 10, 2001

Date: July 26, 2012

Mail Stop Issue Fee  
 Commissioner for Patents  
 Post Office Box 1450  
 Alexandria, Virginia 22313-1450

NOTIFICATION OF CHANGE IN SMALL ENTITY STATUS AND  
 PAYMENT OF DEFICIENCY OWED UNDER 37 C.F.R. § 1.28(c)

Sir:

The claim for small entity status in connection with the above-referenced application is hereby withdrawn. The establishment of small entity status and payment of fees in accordance therewith in this application was done in good faith and without any deceptive intent, but the Applicants have recently determined that they cannot be certain they were entitled to small entity status at the times of previous payment of fees in this application. Thus, out of an abundance of caution, Applicants hereby withdraw the assertion of small entity status. It is hereby requested that any error in small entity status be excused under the provisions of 37 C.F.R. § 1.28(c).

Pursuant to 37 C.F.R. §1.28(c)(2), the following information is set forth herein: 1) each fee that was paid as a small entity after a (possible) loss of small entity status, including the type of fee paid, the date that the fee was paid and the amount actually paid; 2) the deficiency owed for each fee that was paid based upon the current fee amount; and 3) the total deficiency payment owed.

03/12/2013 CKHLOK 00000005 500220 6213955  
 01 FC:1559 2305.00 DA

01/31/2013 MBANGURA 00000012 500220 6213955  
 01 FC:1599 695.00 DA

Adjustment date: 03/12/2013 CKHLOK  
 01/31/2013 MBANGURA 00000013 500220 6213955  
 01 FC:1599 1660.00 CR  
 01/31/2013 MBANGURA 00000013 500220 6213955  
 01 FC:1599 1660.00 DA

Adjustment date: 03/12/2013 CKHLOK  
 01/31/2013 MBANGURA 00000012 500220 6213955  
 01 FC:1599 695.00 CR

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Type of Fee	Amount of Small Entity Fee Actually Paid	Date Small Entity Fee Paid	Current Fee Amount For Large Entity	Deficiency Owed
Application Filing Fee	\$395.00	8-Oct-1998	\$1,250.00	\$855.00
Terminal Disclaimer	\$55.00	12-Nov-1999	\$160.00	\$105.00
Four (4) Add'l Independent Claims	\$156.00	31-May-2000	\$1,000.00	\$844.00
Issue Fee	\$605.00	15-Sep-2000	\$1,740.00	\$1,135.00
First Maintenance Fee (Year 4)	\$455.00 + \$0.00 surcharge	24-Sep-2004	\$1,130.00 + \$0.00 surcharge	\$675.00
Second Maintenance Fee (Year 8)	\$1,240.00 + \$0.00 surcharge	9-Oct-2008	\$2,850.00 + \$0.00	\$1,610.00
			<b>Total Deficiency Owed</b>	<b>\$5,224.00</b>

The Director is hereby authorized to charge the deficiency of \$5,224.00, in accordance with 37 C.F.R. § 1.28(c)(2), from deposit account number 50-0220.

The Director is also authorized to charge any additional deficiency, or credit any overpayment, to our deposit account number 50-0220.

Respectfully submitted,



David D. Beatty  
 Registration No. 38,071

USPTO Customer No. 20792  
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#### CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on the date below.

Signature: 

Date: July 26, 2012

Typed Name of Person Signing Certificate: Katie Wu

**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>3/8/2013</u>		2 Serial/Patent # <u>6,213,955</u>									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
<input type="checkbox"/>	Filing			\$							
<input type="checkbox"/>	Amendment			\$							
<input type="checkbox"/>	Extension of Time			\$							
<input type="checkbox"/>	Notice of Appeal/Appeal			\$							
<input type="checkbox"/>	Petition			\$							
<input type="checkbox"/>	Issue			\$							
<input type="checkbox"/>	Cert of Correction/Terminal Disc.			\$							
<input type="checkbox"/>	Maintenance			\$							
<input type="checkbox"/>	Assignment			\$							
<input checked="" type="checkbox"/>	Other <u>1.28(c) Deficiency</u>	<u>W/fee</u>	<u>1/23/13</u>	\$ <u>50.00</u>							
		7 TOTAL AMOUNT OF REFUND		\$ <u>50.00</u>							
10 REASON:		8 TO BE REFUNDED BY:									
<input checked="" type="checkbox"/>	Overpayment	<input checked="" type="checkbox"/> Treasury Check									
<input type="checkbox"/>	Duplicate Payment	<input checked="" type="checkbox"/> Credit Deposit A/C #:									
<input type="checkbox"/>	No Fee Due (Explanation):	9 <table border="1" style="display: inline-table; text-align: center;"> <tr> <td>5</td><td>0</td><td>--</td><td>0</td><td>2</td><td>2</td><td>0</td> </tr> </table>			5	0	--	0	2	2	0
5	0	--	0	2	2	0					
<u>USPTO error. Overcharged petitioner; should take fees we were authorized.</u>											
11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: <u>Andrea Smith</u>		TITLE: <u>Pets. Exam</u>									
SIGNATURE: <u>[Signature]</u>		PHONE: <u>(571) 272-3226</u>									
OFFICE: <u>Office of Petitions</u>											
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****											
APPROVED: <u>[Signature]</u>		DATE: <u>3/12/13</u>									

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

Office of Finance  
Refund Branch  
Crystal Park One, Room 802B